

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BRIAN ROGERS,

Plaintiff

v.

MORAN TOWING & TRANSPORTATION CO., INC.,

Defendant

CIVIL ACTION NO.
04-11448-RCL

**ASSENTED-TO MOTION OF DEFENDANT MORAN TOWING CORPORATION
FOR LEAVE TO FILE AFFIDAVIT OF PETER KEYES IN SUPPORT OF ITS
PENDING MOTION TO TRANSFER THIS ACTION**

On December 23, 2004, defendant Moran Towing Corporation (“Moran”) filed a Motion to Transfer This Action to the Eastern District of New York. The thrust of the motion was that none of the events alleged in the plaintiff’s complaint, and none of the persons or things allegedly involved in the two personal injuries that he claims to have suffered while working as a crewmember on board Moran’s tug – had any connection with Massachusetts. Moran maintains that the proper venue is the Eastern District of New York, which includes Staten Island, where the tug is based, and the injuries occurred and were treated. The plaintiff filed an opposition to the motion, supported by his own affidavit. The motion to transfer is still pending.

Moran believes that the Affidavit of Peter Keyes, which it now seeks leave of Court to file in support of the pending Motion to Transfer, may be of assistance to the Court in deciding the motion. As may be seen from the affidavit (a “proposed” affidavit is appended to this motion, as required by this Court’s Standing Order Re: Electronic Case Filing), Mr. Keyes is Moran’s Vice President for Operations, and attests to the dates upon and locations at which Mr. Rogers joined

and left the vessel. Moran asks under Local Rule 7.1(B)(4) that the Court grant it leave to file Mr. Keyes' affidavit in support of the Motion to Transfer.

MORAN TOWING CORPORATION
By its attorneys,

/s/ JAMES B. RE
James B. Re (BBO #413300)
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ASSENTED-TO:

BRIAN ROGERS
By his attorneys,

/s/ DAVID F. ANDERSON
David F. Anderson (BBO # 560994)
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Dated: May 19, 2005

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PROPOSED AFFIDAVIT OF PETER KEYES

Peter R. Keyes deposes and says as follows under the penalties of perjury:

1. I am Vice President of New York & Offshore Operations for Moran Towing Corporation ("Moran").

2. As Vice President for Operations, I am involved with all aspects of operating Moran's vessels, including crewing of those vessels. Moran maintains records of each occasion upon which each crewmember begins and ends each tour of duty on board one of our vessels.

3. I have reviewed those records pertaining to the occasions upon which Brian Rogers joined and got off the Moran vessel upon which he served as a crewmember (the tug JAMES TURECAMO) from the date upon which he was hired by Moran, December 13, 2002, until he got off that vessel for the final time, July 25, 2003. Those records show that Mr. Rogers joined and got off Moran's vessel on the following dates at the following locations:

December 13, 2002 Joined at Moran's yard in Staten Island, New York

December 25, 2002 Got off in Boston

January 8, 2003 Joined at Moran's yard in Staten Island, New York

January 22, 2003 Got off in Providence

February 5, 2003 Joined at Moran's yard in Staten Island, New York

February 12, 2003 Got off in Staten Island, New York, following first alleged injury

April 2, 2003	Joined at Moran's yard in Staten Island, New York
April 16, 2003	Got off in Philadelphia
April 30, 2003	Joined in Philadelphia
May 14, 2003	Got off in Baltimore
May 28, 2003	Joined in Richmond
June 11, 2003	Got off in Staten Island, New York
June 25, 2003	Joined at Moran's yard in Staten Island, New York
July 9, 2003	Got off in Staten Island, New York
July 23, 2003	Joined at Moran's yard in Staten Island, New York
July 25, 2003	Got off in Staten Island, New York, following second alleged injury

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND
CORRECT. EXECUTED ON THIS 13TH DAY OF MAY 2005.**

/s/ PETER R. KEYES
Peter R. Keyes, Vice President
New York & Offshore Operations